

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits-Andhra Pradesh High Court -W.P. filed against the inclusion of 21 Gram Panchayats into Rajahmundry Municipal Corporation - Rectification orders in pursuance of the orders of the Andhra Pradesh High Court - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.IV) DEPARTMENT

G.O.Ms.No. 44

Dated.04.03.2014
Read the following

1. Govt Memo No.10840/Pts.IV/06-4 PR&RD, Dept, dated 16.06.2011
2. G.O.Ms.No.99 PR&RD (Pts.IV) Dept dated 18.3.2013
3. G.O.Ms.No.94 MA&UD (Ele.II) Dept dated 18.3.2013
4. Orders dated 21.10.2013 of the Hon'ble High Court in PIL No. 119/2013 and batch

ORDER:

In the reference 1st read above, Government have issued show-cause notice to certain Gram Panchayats in East Godavari District under Section 246 (1) of the Andhra Pradesh Panchayat Raj Act 1994 read with Rule 12(2) of the Andhra Pradesh Gram Panchayat (declaration/de-notification/ constitution of villages) Rules, 2007 issued in G.O.Ms.No.542 PR&RD(Pts.IV) Dept dated 3.12.2007 as to why the resolutions passed by them cannot be cancelled and included in the Rajahmundry Municipality. After receiving the replies from the Gram Panchayats, in the reference 2nd read above, Government have cancelled the resolutions passed by 14 Gram Panchayats opposing for merging of their Gram Panchayats into Rajahmundry Municipal Corporation and Notification was also issued to that effect. In the reference 3rd read above, orders have been issued including the 21 Gram Panchayats into Rajahmundry Municipal Corporation.

2. Aggrieved by the above orders, some of the villagers have filed PIL No. 119/2013 and batch in AP High Court and the Hon'ble High Court in its orders dated 21.10.2013 held that,-

"We are of the view that when the provision under Section 246 of the Act has been invoked, it should have been invoked in true and complete sense. The aforesaid provision requires that the Government shall pass an order of cancellation on certain grounds as mentioned therein. No such order of cancellation has expressly been passed by the respondents on the views or resolutions adopted by the concerned Gram Panchayats. We think that such decision is a sine qua non when the procedure has been adopted by the Government itself.

Accordingly, the High Court has directed the Government to take a decision in the light of the provisions of Section 246 of the Act for cancellation of the resolutions adopted by the concerned Gram Panchayats. Such decision shall be taken in accordance with law within a period of eight weeks from the date of receipt of a copy of the order and such decision will abide by the decision of the inclusion of these Panchayat areas with the Rajahmundry Municipal Corporation."

3. Government is empowered to take a decision on denotification of Gram Panchayats in accordance with section 3 of the Andhra Pradesh Panchayat Raj Act 1994. It is not required to invoke section 246 of Andhra Pradesh Panchayat Raj Act 1994 as mentioned in para 3 of the show-cause notice issued in the reference 1st read above.

4. In pursuance of the orders of the Hon'ble High Court and after careful examination of the entire issue, Government hereby issue the following amendments to the orders issued in G.O.Ms.No.99, PR&RD (Pts.IV) Dept, dated. 18.03.2013.

(PTO)

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AMENDMENTS

In the said G.O

(1) NOTIFICATION-I shall be omitted

(2) The NOTIFICATION-II shall be read as NOTIFICATION

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V.NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)**

To

The Commissioner of Printing and Stationary and Stores Purchase, Hyderabad with a request to publish the above amendment in the Andhra Pradesh Gazettee dated.05.03.2014 and furnish the 100 copies of the same to the Government.

The Commissioner, Panchayat Raj and Rural Employment, Hyderabad.

The District Collector, East Godavari District, Kakinada

The District Panchayat Officer, East Godavari District Kakinada

The MA &UD (Ele.II) Dept

The Law (A) Dept

Copy to:-

The Government Pleader for PR, Andhra Pradesh, High Court, Hyderabad.

Sc/Sf.

// FORWARDED : : BYORDER//

SECTION OFFICER